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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,116	03/15/2001	Dietmar Sauer	SAUER	4585

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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 10/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,116

Applicant(s)

SAUER, DIETMAR

Examiner

Sanh D Phu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The clause regarding "willful false statements ..." required by 37 CFR 1.68 has been omitted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Abuhamdeh (US 2003/0083042).

Regarding to claims 1, 6 and 10, see figures 2 and 3, and section [0022] to section [0026],

Abuhamdeh discloses a device (10) (see figure 2) wherein the device comprises:

first means (included in smart card (inserted into (22), or memory (40)) for storing a sum of money available (see sections [0006], [0023], [0034]),

second means (inherently included in (22 or 40)) for storing the identification information of the provider (102) so that that identification information must be provided to the device (10)

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for establishment of communication with the provider (102) for allowing a communication of the device (10) with a network (see sections [0023], [0034]); and

read/write means (22, 28, 30) for reading the sum of money stored in said first means and storing a new sum of money in said first means, and reading the identification information of the provider (102) stored in said second means (see sections [0023], [0024]).

Regarding to claims 2, 7 and 11, Abuhamdeh discloses third means (inherently included in (22 or 40)) for storing a banking connection information, so that the banking connection information must be read by the read/write means (22, 28, 30) of the device (10) for transferring this information to the provider (102) in order for the provider to establish the communication with bank (110) (see section [0023]).

Regarding to claims 3, 8 and 12, Abuhamdeh discloses forth means (inherently included in (22 or 40)) for storing information about financial account, authorization, etc., (which can be considered as electronic signature) so that this information must be read by the read/write means (22, 28, 30) of the device (10) for transferring this information to the provider (102) in order to allow and authorize the provider to charge money to the corresponding account at the bank (see sections [0023], [0024]).

Regarding to claim 4, Abuhamdeh discloses that the device comprises a smart card having a memory (see sections [0007] and [0023]).

Regarding to claim 5, Abuhamdeh discloses that the first and second means can be configured as a memory on a smart card (see section [0023]).

Regarding to claim 9, Abuhamdeh discloses that the read/write means (22, 28, 30) is a accessory part of a mobile phone (55) (see figure 2).

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Regarding to claim 13, as explained above for claims 1-12, see figure 2, Abuhamdeh discloses a device (10) wherein the device comprises:

communication means (55) for transmitting information to and receiving information from a wireless communication network;

first means (included in smart card (inserted into (22), or memory (40)) for storing a sum of money balance available; and

third means (inherently included in (22 or 40)) for storing a banking connection information, so that the banking connection information must be read by the read/write means (22, 28, 30) of the device (10) for transferring this information to the provider (102) in order for the provider to establish the communication with bank (110).

Regarding to claim 14, as explained above for claims 3, 8 and 12, Abuhamdeh discloses forth means (inherently included in (22 or 40)) for storing information about financial account, authorization, etc., (which can be considered as electronic signature).

Regarding to claim 15, as explained above for claims 1, 6 and 10, Abuhamdeh discloses second means (inherently included in (22 or 40)) for storing the identification information of the provider (102).

Regarding to claim 16, Abuhamdeh discloses that said first, second, third and forth means are remote from the device (10) and implemented as a smart card having memory (see figure 2).

Regarding to claim 17, as explained above for claims 1-12, see figure 2, Abuhamdeh discloses read/write device (22, 28, 30) for reading the sum of money stored in a memory (included in smart card (inserted into (22), or memory (40)), reading the identification information of the provider (102) stored in said memory, storing a new sum of money in said

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memory, and further allowing the device a wireless communication device (10) to transmit and receive information to/from a wireless communication network if the sum of money exceeds a predetermined amount determined by the provider (see sections [0023], [0024]).

Regarding to claim 18, as explained above for claims 2, 7 and 11, Abuhamdeh discloses third means (inherently included in (22 or 40)) for storing a banking connection information.

Regarding to claim 19, as explained above for claims 3, 8 and 12, Abuhamdeh discloses forth means (inherently included in (22 or 40)) for storing information about financial account, authorization, etc., (which can be considered as electronic signature).

Regarding to claim 20, Abuhamdeh discloses that said read/write device (22, 28, 30) is part of a wireless communication device (55) (see figure 2).

Regarding to claims 21-24, as explained above for claims 1-23, see figure 2, Abuhamdeh discloses a wireless communication system (10) and associated method (10, 102, 110), as claimed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh Phu whose telephone number is 703-305-8635. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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Sanh Phu
Examiner
Art Unit 2682

Sanh Phu

10/14/2003

Lee Nguyen
Lee Nguyen
Primary Examiner